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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

DANIEL RICHARD BURKE,)	CASE. No.: 2:21-CV-00734-EFB
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	FOR ATTORNEY'S FEES PURSUANT
vs.)	TO 28 U.S.C. SECTION 2412(d)
)	[PROPOSED ORDER]
KILOLO KIJAKAZI, Acting commissioner)	
of the Social Security Administration,)	
)	
)	
Defendant.)	
_____)	

It is hereby stipulated by and between the parties through their undersigned counsel, subject to the approval of the Court, that Daniel Richard Burke, will be awarded attorney fees in the amount of SIX THOUSAND SEVEN HUNDRED and NO CENTS DOLLARS (\$6,700.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. section 2412(d). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. section 2412(d).

After the Court issues an order for EAJA fees to Daniel Richard Burke, the Defendant will consider any assignment of EAJA fees to John V. Johnson pursuant to Astrue v. Ratliff, 130 S.Ct. 2521, 2252-2253 (2010), and the ability to honor any such assignment will depend on whether the fees are subject to any offset allowed under the United States Department of Treasury's Offset Program. After the order for EAJA fees is entered, the Defendant will determine whether they are subject to any offset.

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Fees shall be made payable to Daniel Richard Burke, but if the Department of the Treasury determines that Daniel Richard Burke, does not owe a federal debt, then the government shall cause the payment of fees to be made directly to John V. Johnson, pursuant to any assignment executed by Plaintiff. Any payment made shall be delivered directly to John V. Johnson.

This stipulation constitutes a compromise settlement of Daniel Richard Burke request for EAJA attorney fees and does not constitute an admission of liability on the part of the Defendant under EAJA. Payment of the agreed amount shall constitute complete release from, and bar to, any and all claims that Daniel Richard Burke, and/or John V. Johnson, INCLUDING COUNSEL'S FIRM, may have relating to EAJA attorney fees in connection with this action. This award is without prejudice to the rights of John V. Johnson and his counsel's firm to seek Social Security Act attorney fees under 42 U.S.C. Section 406(b) subject to the savings clause provisions of EAJA.

Respectfully Submitted,

DATED: October 26, 2022

/ s / John V. Johnson
John V. Johnson
Attorney for Plaintiff

DATED: October 26, 2022


United States Attorney
Mathew W. Pile, WSBA No. 32245
Associate General Attorney
Office of Program Litigation, Office 7
Social Security Administration

By: / s / Mary Tsai
(as authorized by email on Oct. 25, 2022)
Special Assistant U.S. Attorney
Attorney for Defendant

ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act fees, Costs, and Expenses, IT IS ORDERED that fees and expenses in the amount of \$6,700.00 as authorized by 28 U.S.C. Section 2412, and costs in the amount of \$0.00 as authorized by 28 U.S.C. Section 1920, be awarded subject to the Terms of the Stipulation.

Dated: December 9, 2022.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE